

### **REMARKS**

In the Office Action dated November 19, 2007, claims 16-18 are pending and under consideration. The Examiner has objected to Applicants' claim of priority from Australian Applications PN 1239/95 and PN 5172/95, and has determined that Applicants are entitled only to the filing date of PCT/AU/0085, i.e., February 20, 1996. Claims 16-18 remain rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent 6,509,165. Further, claims 16-18 are newly rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to satisfy the written description requirement.

This Response is believed to effectively address all rejections. Applicants therefore respectfully request that the Examiner enter the amendments filed herewith. Favorable consideration of all pending claims is therefore respectfully requested.

#### **Rejection Under 35 U.S.C. § 102(e)**

Claims 16-18 remain rejected as anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,509,165 issued to Griffin, et al. The Examiner alleges that Griffin teaches a method of contacting a subject's T-cells with a peptide comprising the amino acid sequence of Applicants' SEQ ID NO: 1.

Although not in agreement with the Examiner's conclusion, Applicants have amended claim 16 by amending the second occurrence of the term "*comprising*" to read "*consisting of*". Therefore, amended claim 16 recites the use of the peptide of SEQ ID NO: 1, which has three amino acids less than the cited peptide, i.e., SEQ ID NO: 4 in Griffin. Accordingly, Griffin does not teach or suggest each claim limitation and does not anticipate the amended claims presented herein.

It is respectfully submitted that the anticipation rejection under 35 U.S.C. § 102(e) is overcome. Therefore, Applicants respectfully request that the rejection may be withdrawn.

**Rejection Under 35 U.S.C. § 112, first paragraph**

Claims 16-18 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly not satisfying the written description requirement. The Examiner further alleges that the pending claims contain subject matter, which was not originally described in the specification and, therefore, constitutes new matter.

Although Applicants respectfully disagree with the basis of this rejection, it is respectfully submitted that the amendment filed herewith overcomes the rejection. Specifically, the amendment to method claim 16 deleting the second occurrence of the term "*comprising*", and replacing it with "*consisting of*", is clearly supported by the specification. As shown on page 3, lines 12-23, the peptide consisting of the sequence of SEQ ID NO: 1 is encompassed by the formula  $X_1X_2X_3$ , wherein  $X_2$  is SEQ ID NO: 7, and  $X_1$  and  $X_3$  comprise 0 amino acids.

Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

### CONCLUSION

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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